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SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PINR](#) [RP](#)

SUBJECT: SUPREME COURT STRIKES DOWN REBELLION CHARGES  
AGAINST LEFTIST LEADERS

REF: A. MANILA 1215

- [1B.](#) 06 MANILA 2154
- [1C.](#) 06 MANILA 1965
- [1D.](#) 06 MANILA 1162
- [1E.](#) 06 MANILA 1021

[11.](#) (SBU) Summary: The Philippine Supreme Court on June 1 dismissed rebellion charges against six leftist Members of Congress for alleged plans to overthrow the Arroyo government in February 2006. In a sharply worded decision, the Supreme Court ruled that the state prosecutors had erred in finding probable cause to arrest and indict the leftist politicians on charges of rebellion, and accused the Department of Justice of using these prosecutions for "political ends." The Administration has indicated its intent to file a motion for reconsideration. The decision is yet another demonstration of the Supreme Court's judicial independence following several landmark decisions against the Administration over the last twelve months. End Summary.

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Beltran and the Batasan Five  
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[12.](#) (U) Immediately following President Arroyo's imposition of a "State of National Emergency" on February 24, 2006, government authorities arrested leftist 74-year old Anakpawis party-list representative Crispin Beltran and accused him of plotting to overthrow the Arroyo Administration. The prosecutors cited charges dating back to the Marcos era in order to justify the arrest, which was conducted without a new warrant. As his case moved through the courts in 2006, Beltran remained in custody, briefly at police headquarters at Camp Crame and then under extended medical supervision at a local hospital.

[13.](#) (U) Shortly after Beltran's arrest, the government also filed rebellion charges against five other leftist party-list representatives in Congress -- Satur Ocampo, Teddy Casino, Joel Virador, Liza Masa, and Rafael Mariano -- whom the military accused of being fronts for the Communist insurgency. These five, known as the "Batasan Five" after they eluded arrest and found refuge within the House of Representatives building ("Batasang Pambansa") for more than two months. They finally left the Congressional complex on May 8, 2006, when a local court dismissed the Department of Justice's charges against them. However, the Department of Justice re-filed the same case in a different trial court, which upheld the charges. Speaker of the House Jose de Venecia negotiated with DOJ and PNP to take the five members back under the protective custody of the House until authorities withdrew the threat of actual arrest. This agreement did not cover Beltran, whose case had been filed

separately.

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The Ruling  
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14. (U) Because the Beltran and "Batasan Five" prosecutions flowed from mostly the same facts, the Supreme Court consolidated the two cases. The Court ruled on June 1 in favor of Beltran and the Batasan Five, finding that there was insufficient evidence against them. The verdict stated that the prosecutors' preliminary investigations were "tainted with irregularities" that had "trivialized" the case, and described the rebellion charges as a "sham." The Court ordered the immediate halt to the prosecutions and also dismissed two earlier rulings by the trial court that had initially sustained the findings of probable cause. The Court pointedly added that "we cannot emphasize strongly enough that prosecutors should not allow, and should avoid, giving the impression that their noble office is being used or prostituted ... for political ends."

15. (U) The "Batasan Five" decision came two months after a separate Court decision that, unusually, allowed Congressman Ocampo to post bail on fifteen counts of murder of suspected counter-revolutionaries during a purge within the Communist Party of the Philippines between 1985 and 1991.

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Administration to Appeal  
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16. (SBU) According to Assistant Chief State Prosecutor Richard Fadullon, the Supreme Court decision will become final on June 16 (or 15 days from issuance). During the

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interim, the government has the right to file a motion for reconsideration with the Supreme Court. Justice Secretary Raul Gonzalez initially stated that he had expected this unfavorable ruling following Ocampo's release and predicted that it would be a "waste of time" to appeal. However, Press Secretary Ignacio Bunye on June 2 issued a statement calling

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the ruling "a setback for the government's anti-insurgency efforts" and promising that the Administration would indeed immediately appeal. Fadullon confirmed on June 6 that the Administration was preparing its appeal. Should the decision stand, the Supreme Court would then order the trial court to dismiss the case, after which the trial court could order Beltran's release.

17. (SBU) While the Supreme Court decision applies to rebellion charges against Beltran, several sedition charges against him in connection with "seditious utterances" during the People Power anniversary on February 24, 2006, remain pending. Fadullon admitted privately that it was still unclear whether the sedition case had been resolved. He added that Beltran's legislative immunity, which applies to crimes for which the punishment is six years or less, would permit his release during the judicial process, as sedition carries a maximum penalty of six years. (Legislative immunity did not apply to rebellion, which carries a higher penalty.)

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Comment  
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18. (SBU) Despite long-standing concerns that President Arroyo's many appointments to the Supreme Court, including the current and past Chief Justices, would leave it beholden to the Administration, its track record since 2006 has demonstrated clear judicial independence, with repeated rulings against the Administration in key cases: the People's

Initiative for Charter Change; the declaration of a State of National Emergency; the policy of calibrated pre-emptive response during the February 2006 protests and rallies; and an executive order that barred executive branch members from testifying before Congress (reftels).

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